

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Maximum Contaminant Levels for PFAS in Michigan

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Establishing Drinking Water Standards

- No federal standards on the horizon
- Science Advisory Panel Report, December 2018
 - 70 ppt standard for PFOA/PFAS could be too high
 - Other PFAS should be considered as well
- Michigan's two-step approach
 - Science Advisory Workgroup recommendations on June 27, 2019
 - Rulemaking underway



Background

- Governor Directed Process
- MPART Science Advisory Workgroup
 - Developed Health Based Values
 - Not debating process
- Rule Applies to:
 - Community Water Supplies (1,400)
 - Non-transient, Non-Community Water Supplies (1,300)



Health-Based Values

Specific PFAS	Parts Per Trillion (ppt)
PFOA	8
PFOS	16
PFHxS	51
PFNA	6
PFBS	420
GenX	370
PFHxA	400,000





MI Standards

Surface water quality

- √ 11/12 ppt PFOS
- ✓ 420/12,000 ppt PFOA

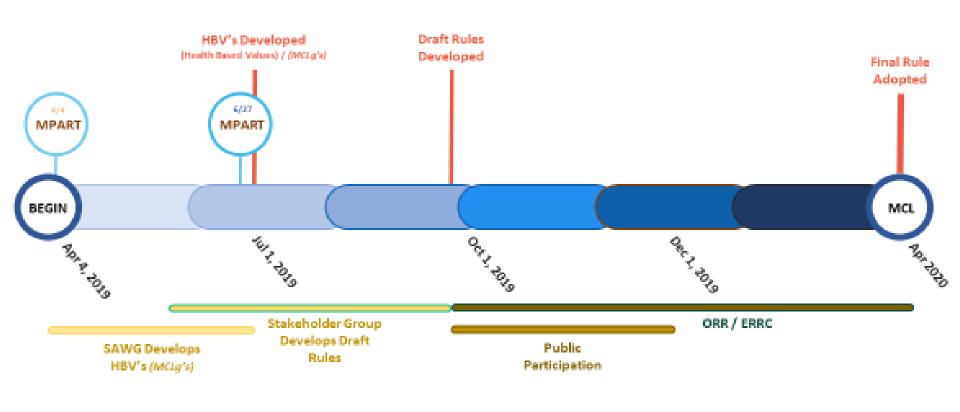
Groundwater cleanup

- √ 70 ppt PFOA/PFOS
- ✓ GSI per surface water quality standards

Drinking water

- √ 70 ppt PFOA/PFOS lifetime health advisory recommendation
- **■** MCLs

MCL Timeline



PFART will continue to coordinate multi-agency efforts to investigate and reduce expassive to FFAS across the state



Administrative Rule Process

The draft rule will follow the Administrative Rules Process handled by the Environmental Rules Review Committee, Michigan Office of Administrative Hearings and Rules, and Joint Committee on Administrative Rules. The rule also will be subject to a public comment period beginning in the next several weeks. A final rule could be adopted by the Spring of 2020.



Rulemaking Process Summary

The process for creating, amending, and rescinding administrative rules is governed by the Administrative Procedures Act, 1969 PA 306, MCL 24.201 to 24.328. (Note this is an overview and does not include all required provisions). Revised April 2019.

RFR

- ▲ A department's Regulatory Affairs Officer (RAO) must submit a Request for Rulemaking (RFR) to the MOAHR to begin the rulemaking process.
- ▲ The MOAHR reviews and approves the RFR, and notifies the Joint Committee on Administrative Rules (JCAR).



Draft Rules

A Rules are drafted and submitted by the RAO to the MOAHR to review for legal

▲The MOAHR approves the draft and notifies JCAR. The MOAHR sends the draft to the Legislative Service Bureau (LSB) for informal editing according to format and style requirements.

▲ The department makes the suggested LSB edits to the draft rules and sends to the MOAHR.



▲ A Regulatory Impact Statement & Cost-Benefit Analysis (RIS) is prepared by the department and sent to the MOAHR for approval 28 days prior to the public hearing. The MOAHR notifies JCAR.

RIS & Public Hearing

- ▲ A Notice of Public Hearing is prepared by the department and sent to the MOAHR. The MOAHR notifies JCAR.
- ▲ The Notice is published in 3 newspapers, including 1 in the UP, not less than 10 days but no more than 60 days prior to the hearing.
- ▲ The MOAHR publishes the Notice and draft rules in the Michigan Register.
- ▲ The department holds a public hearing for public comment.



JCAR Report

- ▲ The RAO submits the final draft of the rules and the JCAR Report to the
- ▲ The MOAHR submits the final draft to LSB to formally certify the rules.
- ▲ The MOAHR legally certifies the rules and sends the JCAR Report, including the final draft of the rules, certifications, RFR, and RIS to JCAR.



- ▲ The JCAR Report and rules must be submitted to JCAR within 1 year after the public hearing, or there must be a subsequent public hearing.
- ▲ The JCAR Report summarizes the purpose of the draft rules and any comments made at the public hearing or submitted in writing.

JCAR

- ▲ The rules must be before JCAR for 15 session days, unless JCAR grants a waiver of the remaining days.
- ▲ During those 15 days, JCAR may object to the rules, but then must introduce legislation within another 15 session days to stop or delay the rules.
- ▲ Rules can be filed by the MOAHR with the Office of the Great Seal after 15 session days expire or after JCAR has waived the 15 session day requirement.

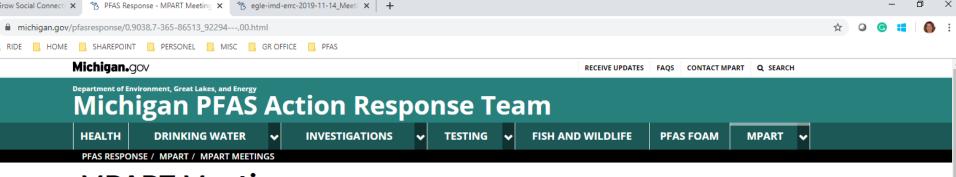


Filing with Office of the Great Seal

- ▲ The department director confirms the intent to adopt the rules by submitting a Certificate of Adoption to the MOAHR.
- ▲ The MOAHR files the final rules with the Office of the Great Seal.
- ▲ The rules may become effective immediately upon filing, or at a later date specified by the department in the rules.
- ▲ On the effective date, the MOAHR amends the Michigan Administrative Code to reflect the new language of the rules.

Michigan **Administrative** Rule Process





MPART Meetings

The Executive Order 2019-03 provides for meetings of the Michigan PFAS Action Response Team (MPART) members.

The MPART members are the directors or director's designee of the seven agencies in MPART. A majority of them serving constitutes a quorum for the transaction of the business of MPART, which will act by a majority of its serving members. MPART meetings are at the call of the chair rather than being regularly scheduled. Information about these meetings will be shared on this web page.

Environmental Rules Review Committee Meeting Information re: PFAS Rules

Date	Information
Nov 14, 2019	The Michigan Department of Environment, Great Lakes, and Energy (EGLE) hosted the Environmental Rules Review Committee (ERRC) Thursday, Nov 14th at Constitution Hall in Lansing from 1 to 3:00 p.m. The ERRC was expected to consider Draft Rules (2019-35 EG) covering PFAS in drinking water. The meeting was in the Lee Walker Conference Room and was open to the public. Meeting Documents: ERRC Meeting Packet - pdf Supplemental Information: Livestream link (past) About the ERRC
Oct 31, 2019	The Michigan Department of Environment, Great Lakes, and Energy (EGLE) hosted the Environmental Rules Review Committee (ERRC) Thursday, Oct 31st at Constitution Hall in Lansing from 1 to 3:30 p.m. The ERRC was expected to consider Draft Rules (2019-35 EG) covering PFAS in drinking water. The meeting was in the Lee Walker Conference Room and was open to the public. Meeting Documents: ERRC Meeting Agenda - pdf ERRC Meeting Packet - pdf

https://www.michigan.gov/pfasresponse/



Michigan Department of

Environment, Great Lakes, and Energy

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